

IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF WISCONSIN

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BRANDON PHILLIP STULL,

Plaintiff,

v.

ORDER

Case No. 23-cv-387-wmc

PROBATION & PAROLE (PAROLE OFFICER KOBE  
SPANBAUER, (SUPERVISOR) SHONIE L. FOY AND  
ADMINISTRATIVE LAW JUDGE MARC M.  
PETERSON,

Defendants.

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Plaintiff Brandon Phillip Stull has filed a proposed civil complaint and requested leave to proceed without prepaying the filing fee. To evaluate plaintiff's request to proceed without prepayment of the filing fee, I must review a certified copy of plaintiff's inmate trust fund account statement (or institutional equivalent) for the *six-month* period immediately preceding the filing of the complaint. 28 U.S.C. § 1915(a)(2).

For this case to proceed, plaintiff must submit the certified inmate account statement no later than July 5, 2023. If I find that plaintiff is indigent, I will calculate an initial partial payment amount that must be paid before the court can screen the merits of the complaint under 28 U.S.C. § 1915(e)(2). Thereafter, plaintiff will be required to pay the balance of the filing fee in installments.

Plaintiff has also filed a motion proceed without paying the federal filing fee, dkt. 3, in which plaintiff says that his income has not changed drastically since he filed an inmate account statement in case no. 22-cv-624-wmc. I take plaintiff to be requesting to proceed without prepaying the \$402 filing fee; however, as I previously mentioned in this order, plaintiff must first submit an inmate account statement for the six-month period immediately

preceding the filing of his complaint so that the court can determine plaintiff's indigency status. Therefore, I will deny without prejudice plaintiff's motion to proceed without prepaying the federal filing fee, dkt. 3, until after I review a copy of plaintiff's six-month inmate account statement. Plaintiff may refile his motion after he submits his inmate account statement.

### ORDER

IT IS ORDERED that:

1. Plaintiff Brandon Phillip Stull's motion to proceed without prepaying the federal filing fee, dkt. 3, is DENIED without prejudice.

2. Plaintiff may have until July 5, 2023 to submit an inmate account statement for the period beginning approximately December 8, 2022 and ending approximately June 8, 2023. If, by July 5, 2023, plaintiff fails to respond to this order, I will assume that plaintiff wishes to withdraw this action voluntarily. In that event, the case will be closed without prejudice to plaintiff filing the case at a later date.

Entered this 13th day of June, 2023.

BY THE COURT:

/s/  
ANDREW R. WISEMAN  
United States Magistrate Judge